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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICKEY OLIVER LOFTON, JR., an
Individual,

Plaintiff,

vs.

TESLA, INC., a Delaware corporation; DOE
INDIVIDUALS 1-10 and ROE BUSINESS
OR GOVERNMENTAL ENTITIES 1-10,
inclusive,

Defendants.

Case No. 2:23-cv-01821-RFB-BNW

**STIPULATION TO STAY DISCOVERY
PENDING RESOLUTION OF
PLAINTIFF'S MOTION TO REMAND
AND DEFENDANT'S MOTION TO
COMPEL ARBITRATION**

IT IS HEREBY STIPULATED by and between Plaintiff Ricky Oliver Lofton, Jr. ("Plaintiff"), by and through his counsel, the Law Offices of Neal Hyman, and Defendant Tesla, Inc. ("Defendant"), by and through its counsel, the law firm of Jackson Lewis P.C., that discovery be stayed pending ruling on Plaintiff's Motion to Remand (ECF No. 9) and Defendant's Motion to Compel Arbitration (ECF No. 10).

1. On November 6, 2023, Defendant filed its Notice of Removal to Federal Court based upon diversity jurisdiction. ECF No. 1.

2. On November 27, 2023, Plaintiff filed his Motion to Remand. ECF No. 9. On December 18, 2023, Defendant filed its Opposition to Defendant's Motion to Remand. ECF No. 18. On December 19, 2023, Plaintiff filed his Reply in Support of Motion to Remand (ECF No. 21) and Supplement to Reply in Support of Motion to Remand (ECF No. 22).

3. On November 27, 2023, Defendant filed its Motion to Compel Arbitration (ECF No. 10), Motion to Dismiss or, Alternatively, Stay the Case (ECF No. 11), and Motion to Stay Discovery (ECF No. 12). On December 11, 2023, Plaintiff filed his Opposition to Defendant's Motion to Compel Arbitration, Motion to Dismiss or, Alternatively, Stay the Case, and Motion to Stay Discovery (ECF No. 15). On December 18, 2023, Defendant filed its Reply in Support of its Motion to Compel Arbitration, Motion to Dismiss or, Alternatively Stay the Case, and Motion to Stay Discovery (ECF No. 19).

4. Plaintiff's Motion to Remand (ECF No. 9) and Defendant's Motion to Compel Arbitration (ECF No. 10) are presently pending before the Court.¹

5. On March 31, 2024, the Honorable Magistrate Judge Brenda Weksler ordered the parties to file a Discovery Plan and Scheduling Order by April 15, 2024.

6. On April 12, 2024, counsel for the parties exchanged correspondence to discuss staying this matter given the pending motions. Both parties agreed that discovery should be stayed pending ruling on Plaintiff's Motion to Remand (ECF No. 9) and Defendant's Motion to Compel Arbitration (ECF No. 10) to prevent wasting resources.

7. The parties wish to avoid conducting expensive and time-consuming discovery until the Court determines if it will retain jurisdiction over this matter, and/or compel arbitration.

8. In the event the Court denies both Plaintiff and Defendant's Motions and the case remains in this Court, the parties will submit a proposed discovery plan and scheduling order within fourteen (14) days of the Court's order.

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¹ Defendant's Motion to Dismiss or, Alternatively, Stay the Case (ECF No. 11) and Motion to Stay Discovery (ECF No. 12) are also pending before the Court.

9. Nothing in this Stipulation and Order shall operate to waive, relinquish, or impair any claim, defense, objection, or right of any party in this case. Further, nothing in this Stipulation and Order shall be construed as an admission of or consent to the merit or validity of any claim, defense, objection, or right by any party in this case.

10. This Stipulation is made in good faith and not for the purpose of delay.

Dated this 15th day of April, 2024.

LAW OFFICES OF NEAL HYMAN

JACKSON LEWIS P.C.

/s/ Neal Hyman

/s/ Thomas Maroney

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Attorneys for Plaintiff
Ricky Oliver Lofton, Jr.

Attorneys for Defendant

ORDER

IT IS SO ORDERED.


United States Magistrate Judge

Dated: 4/16/2024

4887-7834-1558, v. 1